IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 4893 of 2005

Between:

V.Satyanarayana, S/o.Late V.Balaiah,
R/o.H.No.45-397, Dodla Basthi, Malkajgiri, R.R.District.

..... PETITIONER

AND

Malkajgiri Municipality, rep. by its Commissioner,
Malkajgiri, R.R.District.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ order or direction more particularly one in the nature of writ of mandamus, to declare the action of the respondent in threatening to demolish the structures raised in premises bearing No.45-397, in Sy.No.630, 641 and 642 situated at Dodla Basthi, Malkjgiri R.R.District without following the due process of La w and without issuing any notice as illegal, arbitrary, unconstitutional and contrary to law and consequently direct the respondent not to demolish the structures or in any manner interfere with the construction work.

Counsel for the Petitioner: MR.PALLENAGESWAR RAO

Counsel for the Respondent: MR.POLISETTI RADHAKRISHNA (SC FOR MPL)

The Court made the following:

ORDER:

This writ petition is filed by the petitioner apprehending demolition of structures raised by him in the premises bearing No.45-397, in Sy.Nos.630, 641 and 642 situated at Dodla Basthi, Malkajgiri, R.R. District, without following due process of law and without issuing any notice.

Heard the learned counsel for the petitioner and perused the record.

The writ petitioner obtained permission from the Commissioner, Municipal Council, Malkajgiri, R.R. District on
22-06-2004 for construction of house. It is the contention of the petitioner that he has constructed the house as per the conditions stipulated in the sanctioned proceedings dated 22-06-2004.

Such is the case, the constructions made by the petitioner in the premises bearing No.45-397, in Sy.Nos.630, 641 and 642 situated at Dodla Basthi, Malkajgiri, R.R. District, cannot be pulled down, without following due process of law and accordingly the writ petition is disposed of directing the respondents to follow the provisions of the Hyderabad Municipal Corporation Act as well as rules framed thereunder before demolishing the structures raised by the petitioner in the premises bearing No.45-397, in Sy.Nos.630, 641 and 642 situated at Dodla Basthi, Malkajgiri, R.R. District. No order as to costs.

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B.SESHASAYANA REDDY, J

Dated: 15-06-2005

NOTE: Issue C.C. in a week.

B/o.

LSK

To

1. The Commissioner, Malkajgiri Municipality,
   Malkajgiri, R.R.District.

2 Two C.D. copies.